



Attorney's Docket No.: 003692.P040

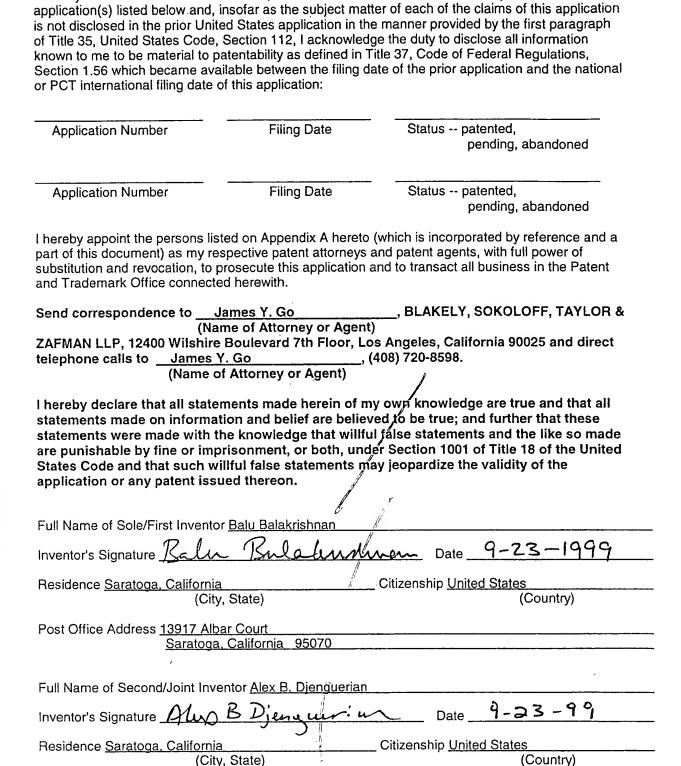
**PATENT** 

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

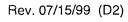
DECLARATIO	NAND FOWER OF ATT	TOTINETT OUT AT EIGH	<u> </u>	
As a below named invent	or, I hereby declare that:			
My residence, post office	address and citizenship	are as stated below, next to my n	ame.	
first, and joint inventor (if for which a patent is sough	plural names are listed b tht on the invention entitle	if only one name is listed below) of the subject matter which ed	is claime	ed and
the specification of which				
X is attached hereto. was filed on as United States Application Number or PCT International Application Number				
8	and was amended on	/ (if applicable)	<del></del>	
I hereby state that I have specification, including th	reviewed and understan e claim(s), as amended	d the contents of the above-identi by any amendment referred to ab	fied ove.	
I acknowledge the duty to defined in Title 37, Code	disclose all information of Federal Regulations,	known to me to be material to pa Section 1.56.	tentability	/ as
foreign application(s) for	patent or inventor's certif r patent or inventor's cer	35, United States Code, Section ficate listed below and have also i tificate having a filing date before	dentified	below
Prior Foreign Application(s)			Priority <u>Claimed</u>	
Number	Country	Day/Month/Year Filed	Yes	No
Number	Country	Day/Month/Year Filed	Yes	No
Number	Country	Day/Month/Year Filed	Yes	No
I hereby claim the benefit provisional application(s)		States Code, Section 119(e) of an	y United	States
Application Number	Filing Dat	te		

Application Number

Filing Date



I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States



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## **APPENDIX A**

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## APPENDIX B

## Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.